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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Theodore Naccarella Synnestvedt & Lechner LLP 2600 Aramark Tower 1101 Market Street Philadelphia, PA 19107			EXAMINER OPSASNICK, MICHAEL N	
			ART UNIT 2655	PAPER NUMBER
DATE MAILED: 03/15/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/303,057

Applicant(s)

AUGUST ET AL.

Examiner

Michael N. Opsasnick

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2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-23 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blackmer et al (5393236) in view of Kuhn et al (6016471).

As per claims 1, 15, and 23, Blackmer et al (5393236) teaches a computer allowing a user to set a pronunciation of a string of characters (Fig. 1 subblock 19) comprising:

“allowing the user to select one or more characters in the string, and retrieving from a database accessible by the computer a plurality of samples.....retrieved samples” as the user selecting string and retrieving the pronunciation (col. 19 lines 1-34);

“allowing the user.....samples, storing a first pronunciation record comprising.....selected by the user” as use storing the user’s pronunciation (col. 19 line 50 - col. 20 line 10).

Blackmer et al (5393236) does not explicitly teach training the recognition system for pronunciations, however, Kuhn et al (6016471) teaches incorporating the pronunciation aspect into existing systems (abstract, col. 5 lines 10-31). Therefore, it would have been obvious to one

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of ordinary skill in the art of pronunciation recognition to modify the teachings of Blackmer et al (5393236) with training an existing recognition system because it would advantageously provide useful feedback to the user with respect to pronunciation accuracy (Kuhn et al (6016471), col. 5 lines 25-32).

As per claims 2 and 16, Blackmer et al (5393236) teaches comprising:

“generating a pronunciation.....outputting the generated pronunciation” as audible output of the pronunciation (col. 19 lines 40-45)

As per claims 3 and 17, Blackmer et al (5393236) teaches allowing the user to select another of the displayed samples after audibly outputting the generated pronunciation as selecting the displayed pronunciation (col. 19 lines 40-45)

As per claims 4 and 18, Blackmer et al (5393236) teaches “allowing the user to select a second of the displayed samples.....selected by the user” as user selecting a second record (col. 19 lines 40-45)

As per claims 5 and 19, Blackmer et al (5393236) teaches “during a text to speech process.....pronunciation records” as choosing playing the pronunciation record (col. 19 lines 28-39)

As per claims 6-8, and 20-22, Blackmer et al (5393236) teaches “associating the first and second pronunciation files with first and second objects,.....recognizing a pronunciation of the string of characters by a user.....associating the first and second pronunciation files with first and second objects.....pronunciation record” as samples stack, personal stack, and comparing both (col. 9 lines 36 - col. 10 line 45)

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As per claim 9, Blackmer et al (5393236) teaches allowing the user to identify a part of the character string as a separate syllable.....the identified syllable as storing 2 separate syllables (col. 22 lines 20-25)

As per claim 10, Blackmer et al (5393236) teaches identifying strings by accents (col. 22 lines 18-31)

As per claim 11, Blackmer et al (5393236) teaches input character string (fig. 10c)

As per claim 12, Blackmer et al (5393236) teaches the user to select the character string (fig. 10c)

As per claim 13, Blackmer et al (5393236) teaches allowing the user to selected a preferred language (Fig. 8)

As per claim 14, Blackmer et al (5393236) teaches selecting a second language (as choosing from multiple languages, Fig. 9)

Response to Arguments

3. Applicant's arguments filed 1/10/2006 have been fully considered but they are not persuasive.

As per applicant's arguments on the top of page 3 of the response, examiner respectfully disagrees and argues that the relevancy of the Blackmer reference is to provide a user interface for the exchange of pronunciation information, which is relevant to applicant's invention (see page 4 of applicant's specification).

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As per applicant's arguments against the Kuhn reference presented on page 3 of the response, examiner notes that the purpose of the Kuhn reference is to teach a computer pronunciations of words.

As per applicant's arguments presented on page 4 lines 1-11 of the response, examiner notes that the office action states the purpose of the Blackmer reference → that the Blackmer reference is used to address all of the claim limitations of claim 1 not including the explicit statement "Blackmer does not explicitly teach....".

As per applicant's arguments on page 4 lines 15-22, examiner notes applicant has repeated examiner's assertion that "Blackmer does not explicitly teach training the recognition system for pronunciations".

As per applicant's arguments presented on the bottom of page 4 of the response, examiner argues that the relevancy of the Blackmer reference is the user interface with the exchange of pronunciation information.

As per applicant's statement in the first four lines of page 5, "(i.e. Blackmer) discloses absolutely nothing about how to develop the computer system that knows how to pronounce those words in the first place (the present invention)", examiner notes that "develop(ing) the computes system that knows how to pronounce those words in the first place" is not claimed; the current claim scope of claim 1 is the exchange of pronunciation information between a user; the claim steps of claim 1 (version filed 3/17/03) pertain to (1) a user selecting characters in a string, (2) retrieving of pronunciation information associated with the string, (3) allowing the user to choose one of the displayed possibilities, and (4) and storing the selection; there is absolutely no

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claimed steps of “training the computer”, “updating pronunciation models” or the like (just a “storing step”, in which, the Kuhn reference is introduced to teach.

As per applicant’s arguments presented on page 5 lines 11-18 of the response, examiner disagrees and notes that in the previous office action, the Blackmer reference was used in a 102 rejection. The new office action clearly took into consideration applicant’s arguments, and based upon that analysis, the examiner introduced the Kuhn reference to address applicant’s main contention that Blackmer did not pertain to “the development of a computer system to pronounce words, and that currently, it is the combination of Blackmer in view of Kuhn that addresses the claim limitations of claims 1,15, and 23.

As per applicant’s arguments presented on page 5 line 19 to page 6 line 17 of the response (the whole section in italic font), examiner notes that the quoted sections of claim 1 are no longer the current version of claim 1. Claim 1 now recites: “allowing the user to select one or more characters in the string” → Blackmer’s allowance of the user to choose which sounds to pronounce ‘p’ or ‘b’ (col. 19 lines 1-54); “retrieving from a database accessible by the computer....displaying the retrieved samples” as Blackmer’s retrieval of more option information screens, including similar voice examples for the user (col. 19 lines 1-34). Also, Blackmer’s optional screens provides to the user a sound similar (choice) to the voicing exercise (col. 19 lines 25-30).

As per applicant’s arguments on page 6 line 18 of the response, to the end of page 6, examiner notes that the Kuhn reference teaches accessing and updating the information database. Examiner guides applicant’s to further define in the claims the steps of updating the pronunciation model in detail, to overcome the combination of Blackmer in view of Kuhn.

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As per applicant's arguments on page 7, first full paragraph, examiner disagrees with applicant's assertion that Kuhn is irrelevant to Blackmer; examiner argues that both Kuhn and Blackmer pertain to the exchange of pronunciation information of words, and that Kuhn improves upon Blackmer by providing a way to give feedback during the exchange of pronunciation information and improving pronunciation accuracy, as noted above. Furthermore, a recitation to the Kuhn reference is presented to substantiate the statement.

As per applicant's arguments presented in the last two paragraphs on page 7 of the response, examiner argues (1) that Kuhn is introduced to teach a computer pronunciations of words; (2) that it is the combination of Blackmer in view of Kuhn teaching computer pronunciations of words, and (3) the teaching of a computer to perform word pronunciation is not claimed (the closest claim step is "storing" the user selection, as addressed by the Kuhn reference). In regards to the statement that "it (Kuhn) teaches a certain technique, but that technique bears essentially no resemblance to the present invention", examiner argues that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant is comparing the disclosed features against the Kuhn reference, and not the current claim scope against the Kuhn reference.

The reproduced arguments on pages 8 to 10 addressing claims 2,4,6,7, and 8 Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Applicant's representative makes general allegations that Blackmer "does not disclose", "does not discuss", certain claim features

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without providing a compare/contrast statement between the claim scope and the recited portions of Blackmer.

As per the reproduced arguments regarding claim 9, examiner appreciates applicant's pointing to the specification (page 8 lines 15-18), and agrees that the referred to section of the specification is not taught by Blackmer in view of Kuhn, however, the claim scope of claim 9 is broader than "allowing the user to alter the syllable breakdown of a word from the default breakdown provided by the computer". The claim scope of claim 9 allows for a user to identify a syllable and storing information associated with the syllable. Examiner recommends amending the claim language of claim 9 to overcome the Blackmer in view of Kuhn combination (as an example, to include claim language "wherein the user alters the previous syllable break").

As per the reproduced arguments regarding claim 10, examiner notes that the combination of Blackmer in view of Kuhn shows teaching the computer how to pronounce the word. Furthermore, as in similar arguments presented to claim 9 above, examiner notes that amending the claim language of claim 10 to claim an altering step associated with the accent would overcome the Blackmer in view of Kuhn reference (the current claim scope of claim 10 pertains to an identifying step and a storing step, but not any intermediate step of altering the stored accent information.).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (571)272-7623, who is available Tuesday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Richemond Dorvil, can be reached at (571)272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mno
3/2/2006



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